

# Grant County Planning Commission

## January 26<sup>th</sup>, 2004

The January 26 2004 regular meeting of the Planning Commission was called to order by John Lawrence at 7:00 p.m.

Those in attendance: John Lawrence, Bill Marksberry, Vernon Webster, Nick Kinman, Marlon Kinsey, William Covington, Brooke Rider, Tony Brewer, Engineer: Tony Pangallo, Attorney: Tom Neinaber, Administrator: Jonathan Britt, Secretary: Becky Ruholl

There was a quorum present.

### **ITEM 1. NOVEMBER MINUTES**

Jonathan stated that a portion of Vernon Webster's motion concerning Kings Cross Zone change needed to be taken out. The condition to be omitted reads: lots 176, 175, 174, 173 and the existing house be donated to the City or Homeowners Association. Jonathan said that this issue was discussed but was not made apart of the motion.

Vernon Webster made a motion to approve the meeting minutes for November with the correction, William Covington seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

### **ITEM 2. NOVEMBER/DECEMBER FINANCIAL REPORT**

Vernon Webster made a motion to approve the November financial report, William Covington seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

Brooke Rider made a motion to approve the December financial report, William Covington seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

### **ITEM 3. ADMINISTRATORS REPORT**

Jonathan said that a budget committee needed to be formed in order to have budget prepared in February and then forwarded to the legislative bodies.

Bill Marksberry, Vernon Webster, Brooke Rider and Marlon Kinsey volunteered to serve on the Budget Committee.

Jonathan gave the Commission updated contact information for the office staff.

Jonathan told the Commission that we are currently in the process of changes web hosts for the Commission website. Becky said that the web site was in the process of being transferred to be hosted internally and would be a sub directory of the existing county web site.

Jonathan asked the Commission if there were to be a meeting of Planning Issues only such as census data would they prefer that it be done as a training session or a public hearing. The Commission decided that a training session should be held first and then possibly a public hearing at a later date.

### **ITEM 4: TEXT AMENDMENT- WILLIAMSTOWN**

#### **SIGN ORDINANCE**

John Lawrence declared the public hearing open.

Doug Beckham stated that the request was to amend the sign ordinance to add class 11 sign classification and add class 11 signs as a conditional use in the I1 zone.

John Lawrence asked if anyone wished to speak for or against the request.

No one spoke for or against the request.

John Lawrence declared the public hearing closed.

Vernon Webster made a motion to approve the request, Bill Marksberry seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

#### **MEDICAL PROFESSIONAL ZONE**

John Lawrence declared the public hearing open.

Doug stated that the request would add the Medical/Professional Zone to the Williamstown Zoning Ordinance. He said that this zone would help with development on Barnes Road and would permit uses such as pharmacies, medical facilities and professional offices. He said that this text amendment would go along with the requested zone change that would affect the south side of Barnes Road.

John Lawrence asked if anyone wished to speak for or against the request.

No one spoke for or against the request.

John Lawrence declared the public hearing closed.

Tony Brewer asked where the land was located that would be effected.

John Lawrence said that this request is just to add the new zone to the Williamstown Zoning Ordinance and the map amendment was the next item to be discussed.

Bill Marksberry made a motion to approve the request, Tony Brewer seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

#### **ITEM 5: ZONE CHANGE - WILLIAMSTOWN**

**APPLICANT:** City of Williamstown

**GENERAL LOCATION:** An approximate 67 acre area located on the south side of Barnes Road, east of I-75 -

**REQUEST:** Residential- Two (R-2), Agricultural - One (A-1) and Residential - Five (R-5) to Medical Professional (M/P)

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Doug Beckham began by complimenting Jonathan on the map that he created. He said that the property was located on the South side of Barnes Road just east of the Cook property, North of Sun Manufacturing and included the Health Dept., Hospital, Summit Medical and North Key. He said that the request was to rezone the property from A1, R2 and R5 to Medical Professional. He said that the request would allow for the development of a Pharmacy that had recently been requested and would help control development in the area.

Jonathan stated that the request would help the growth at the new interchange to have less impact on the existing community.

John Lawrence asked if anyone wished to speak for or against the request.

No one spoke for or against the request.

John Lawrence declared the public hearing closed.

Marlon Kinsey asked how much of the property was currently zoned A1.

Jonathan said that the majority of the property was zoned A1 and the area where the hospital and Grant Manor were located was zoned residential. He said that approximately 50 acres was zoned A1.

Nick Kinman made a motion to approve the request because the existing zoning classification is improper and the requested zoning classification would be appropriate, William Covington seconded the motion.

Tony Brewer asked if the property included the Road Department.

Jonathan stated that it did not.

Tony Brewer stated that all the adjoining property owners were not correct if it did not include the Road Department.

Jonathan stated that the property owners listed were provided by the PVA office.

A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

#### **ITEM 6: ZONE CHANGE - ALEXANDER**

**APPLICANT:** Roy Alexander

**GENERAL LOCATION:** An approximate 4.8 acre area located on the east side of Blair Road, 200 feet south of Elliston Mt. Zion Road

**REQUEST:** One Agricultural - One (A-1) to Rural - Residential (RR)

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Logan Murphy, representing the applicant, stated that the request was to rezone 4.8 acres to create 4 lots on Blair Road.

John Lawrence asked if anyone wished to speak for or against the request.

No one spoke for or against the request.

John Lawrence declared the public hearing closed.

Jonathan read the staff recommendation, which was denial of the zone change request because the proposal is not in compliance with the adopted Comprehensive Plan. Findings in support of this recommendation are: 1. Roadway is not sufficient enough to accommodate the amount of traffic generated by the proposed development. 2. there is a strong possibility of inadequate police and fire protection to the proposed development 3. the proliferation of septic systems is not discouraged by the proposed development. 3. the density of 0.8 dwelling units per acre is far too dense for the agriculturally predominant area.

Mr. Murphy said that there are 1 to 5 acre developed lots all down the road and there would be water available to the property within the next few months.

Jonathan stated that one of his concerns was the intersection of Blair and Elliston Mt. Zion Road.

Mr. Murphy said that the intersection was not that bad and the visibility was pretty good.

Jonathan asked if they would agree to fewer and larger lots.

Mr. Murphy said that they could agree to larger lots and could make fewer lots but that is not what Mr. Alexander is asking for.

Marlon Kinsey asked how many 1 or 5 acres lots there were on the road.

Mr. Murphy said that he wasn't sure on a number but that there had been several new homes subdivided in the past few years and the only farms on the Road were at the very end.

Jonathan asked how long ago they had been subdivided.

Mr. Murphy said probably before the new Zoning Ordinance was adopted in 1997 or 1998.

John Lawrence asked how far these lots were from the intersection.

Mr. Murphy and Mr. Alexander said that they were about 200 to 300 feet from the intersection.

Tony Brewer asked if this was the last of Mr. Alexander's acreage.

Mr. Murphy said that Mr. Alexander would have 12 acres left.

Tony Brewer made a motion to approve the request because it is in agreement with the Comprehensive Plan, Bill Marksberry seconded the motion. A hand vote was taken, Bill Marksberry: yes, Vernon Webster: yes, Nick Kinman: yes, Marlon Kinsey: no, William Covington: yes, Brooke Rider: no, Tony Brewer: yes. Motion passes.

#### **ITEM 7: ZONE CHANGE - DUNCAN**

**APPLICANT:** Jean Duncan

**GENERAL LOCATION:** southeast side of Knoxville Road, approximately 1.5 miles east of U.S. Route #25

**REQUEST:** Agricultural - Agricultural - One (A-1) to Residential - One (R-1)

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Mrs. Duncan said that the request was to rezone the existing home and lot.

Jonathan asked how many acres would remain in Agricultural.

Mr. Duncan said that there would be 27 acres remaining.

Jonathan asked if there was a separate entrance for the remaining farm.

Mr. Duncan said that there was a separate entrance.

John Lawrence asked if anyone wished to speak for or against the request.

No one spoke for or against the request.

John Lawrence declared the public hearing closed.

Jonathan read the staff recommendation, which was approval of the zone change request because the proposal is in compliance with the adopted Comprehensive Plan, and since there was an existing entrance for the farm there were no conditions. Findings in support of this recommendation are: 1. Proposed development would encourage the use of viable agricultural property. 2. the roadway is sufficient enough to handle the additional traffic that would be generated by the proposed development and would not put additional burden on police and fire protection.

Tony Brewer said that he was the applicant's cousin and asked if he could dismiss himself from voting.

Mr. Neinaber said that if he abstained the vote would go with the majority but that being a cousin was not grounds to be disqualified from voting. Only if Mr. Brewer had a financial gain or interest in the property should he withdraw himself.

Nick Kinman made a motion to approve the request because the development would encourage the use of viable agricultural property and the roadway is sufficient enough to handle the additional traffic that would be generated by the proposed development and would not put additional burden on police and fire protection, Tony Brewer seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

#### **ITEM 8. KOI - SITE PLAN**

John Lawrence read a letter from Erpenbeck Engineers recommending approval of the plat.

Joe Hoh of Cardinal Engineering said that the zone change had been approved earlier and the building would be 7,000 square feet. He said that they owners planned on keeping the existing metal barn on the rear of the property to be used for storage and loading and unloading. He said that there were 2 entrances onto Hwy. 25 and he had not yet received a letter from the Department of Transportation. He said that the parking would be concrete or asphalt; there would be 18 parking spaces in the front and 5 in the rear. Mr. Hoh said that he had provided a landscaping plan to Mr. Britt.

Jonathan said that lot 2 would be required to have a 15 ft. buffer when it was developed.

Vernon Webster asked where the dumpster would be located.

Mr. Hoh said that it could be located in the rear of the property near the employee parking and would be fenced.

Nick Kinman made a motion to approve the plat with the condition that there be a concrete pad for the dumpster and that a fence is constructed to enclose the dumpster, Brooke Rider seconded the motion. A hand vote was taken all members in attendance voting in favor of the motion. Motion passes.

#### **ITEM 9. COWTOWN - SITE PLAN**

John Lawrence read a letter from Erpenbeck Engineers recommending approval of the site plan.

Mr. Howe said that he had received a Conditional Use Permit from the Board of Adjustments and a site plan was a condition. He also said that the Board had required 25 ft. of buffer but that it would be useless down the hill and asked the Commission to consider this condition and possibly have Jonathan to go look at the property.

Jonathan stated that the condition was set by the Board of Adjustments and they would have to waive the condition.

Mr. Howe said that the entrances would be asphalt but that the parking would be gravel.

Jonathan said that there was some concern at the Board of Adjustment meeting of making the animals stand on asphalt for a long period of time.

William Covington asked if a 12ft. drive was wide enough for a truck and trailer.

Mr. Howe said that the drives were going to be one-way.

William Covington said that it should not be a problem to add 2 or 3 feet to the width.

Mr. Howe said that the gravel would spread out another 3 or 4 feet.

Jonathan said that the Board wanted a somewhat separate parking area for cars and for the trucks and trailers.

Nick Kinman made a motion to approve the plat, William Covington seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

#### **ITEM 10. SPONCIL PROPERTIES - SITE PLAN**

John Lawrence read a letter from Erpenbeck Engineers recommending approval of the site plan.

Jerry Keith said that the developer would like for the Commission to consider not requiring the side walk that goes from the site to the railroad tracks because when the bypass is constructed that crossing will be closed.

William Covington asked what was going to happen to the road when the crossing was shut down.

Mr. Keith said that would be up to the State and the Railroad.

Vernon Webster said that there was other land to be developed across the road from this property and there should be a sidewalk for traffic to that property.

Tony Brewer said that if there was a sidewalk it should be on the Dana side of the road.

Vernon Webster made a motion to approve the plat at presented, William Covington seconded the motion. A hand vote was taken: Bill Marksberry: yes, Vernon Webster: yes, Nick Kinman: yes, Marlon Kinsey: yes, William Covington: yes, Brooke Rider: yes, Tony Brewer: no. Motion passes.

#### **ITEM 11. MAPLE RIDGE - PRELIMINARY PLAT**

John Lawrence read a letter from Erpenbeck Engineers recommending approval of the plat with a waiver, per Section 7.0-E-2-f of the Subdivision Regulations, for the construction of an on-site storm water detention facility since it flows directly into Bullock Pen Lake.

Logan Murphy stated that the developer had purchased 13 acres of residential land and that land was included in this plan as lots 1 through 20.

Jonathan questioned why the plat only showed 30ft. of buffer area next to the road when the Commission had required more.

Logan said that they were unclear of the exact requirement after the meeting and when they discovered it was 50 ft. they felt that was excessive and asked the City to reduce the requirement to 30 ft. and they did.

Jonathan asked how the City came to the conclusion that 30 ft. was enough buffer area.

Logan said that some of the Council members went and looked at the property and decided that 30ft. was enough.

John Lawrence asked if the City had sent a letter saying that they had reduced the requirement.

Jonathan said that they had not.

Vernon Webster asked what size the force main was going to be.

Logan said that they don't normally show those on the preliminary plat but that it would probably be 4 inch.

John Lawrence asked what Mr. Melton's thoughts were on the 50ft. buffer area.

Jonathan asked who told the City to consider the 30ft. area.

Logan said that Mr. Melton asked the City to look at the property and the City decided that 30ft. would be sufficient.

Vernon Webster said that if the Commission approves the plat then they are agreeing with the City's decision on the buffer area.

Tom Neinaber said that if the Commission forwards a zone change to the City with conditions, the City can approve those conditions or change the conditions.

Vernon Webster made a motion to approve the plat with the waiver of the on-site storm water detention facility, Brooke Rider seconded the motion. A hand vote was taken: Bill Marksberry: yes, Vernon Webster: yes, Nick Kinman: yes, Marlon Kinsey: no, William Covington: no, Brooke Rider: yes, Tony Brewer: no. Motion passes.

#### **ITEM 12. AVALON PHASE 2 - PERLIMINARY PLAT**

Jonathan Britt stated that the applicant requested that this item be rescheduled for the February meeting.

#### **ITEM 13: CONVEYANCE PLATS - NOVEMBER/DECEMBER**

Brooke Rider made a motion to approve the list of conveyances, William Covington seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

#### **ITEM 14: EXECUTIVE SESSION**

Brooke Rider made a motion to go into executive session at 8:35 p.m. to discuss personnel matters, Nick Kinman seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

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Vernon Webster made a motion to come out of executive session at 9:02 p.m., Brooke Rider seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

John Lawrence stated that no action was taken.

**ITEM 15: OTHER BUSINESS**

John Lawrence said that he had heard a rumor that prior to a previous zone change some of the Commission members were told that the applicant was going to sue if their request was not passed.

Tom Neinaber said that the proper thing to do in that case is to state what you've heard prior to the public hearing.

Tony Brewer said that it was his understanding that the KY League of Property Owners in Northern Kentucky were searching for any suit openings.

Mr. Neinaber said that the Planning Commission makes recommendation to the Legislative Body and if someone was to appeal the decision they would not name the Planning Commission they would name the Legislative Body. He said that the only way that they would name the Commission or an individual was if they were denied their Constitutional Rights by the Commission or an individual by violating due process of law.

The Commission asked if they should get insurance.

Jonathan stated that the Commission was covered by a KACO policy.

Mr. Neinaber said that he would review the policy.

John Lawrence also mentioned that the Commission has the right to swear in anyone that speaks at a public hearing and asked if a developer or representative misleads the Commission do they have any recourse.

Mr. Neinaber said that the Commission does have the right to swear in any speakers and those sworn in can be cross examined by the applicant or representative of the applicant.

**Item 16. Adjournment**

Nick Kinman made a motion to adjourn, Brooke Rider seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

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**JOHN LAWRENCE, CHAIRMAN - DATE**

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**NICK KINMAN, SECRETARY - DATE**